

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 5 OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING
DIVISION 40, SECTIONS 145.4001, 145.4002, 145.4003,
145.4004 AND 145.4005, ALL RELATING TO
ENCOURAGING RESIDENTIAL DEVELOPMENT THAT
INCORPORATES ACCESSIBLE DESIGN FEATURES.

WHEREAS, according to the 2000 United States Census the majority of persons with disabilities are within the 21-64 year old age group, but the existing accessible housing supply is predominately restricted for seniors; and

WHEREAS, the San Diego Regional Association of Governments 2050 planning forecast for the San Diego region projects a large increase in the local senior population, which will further increase the demand for accessible design; and

WHEREAS, in accordance with the Federal Fair Housing Act and California Fair Employment and Housing Act, the City considers and makes reasonable accommodations as requested to afford persons with disabilities the equal opportunity to use and enjoy a dwelling, but these accommodations are still falling short of the demand for accessible housing; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 14, Article 5 of the San Diego Municipal Code is amended by adding, Division 40, by adding Sections 145.4001, 145.4002, 145.4003, 145.4004 and 145.4005 to read as follows:

Article 5: Building Regulations

Division 40: Voluntary Accessibility Program

§145.4001 Purpose

The purpose of the Voluntary Accessibility Program is to encourage residential *development* that incorporates accessible design features including accessible routes of travel, accessible entrances, and accessible common use rooms to meet the needs of as many users as possible. The intent is to increase opportunities for persons with temporary, developing, or permanent disabilities to “age in place” and thereby reduce the potential for occupants to be displaced from their homes due to a disability, to allow those persons to visit neighboring *dwelling units*, and to increase the number of accessible *dwelling units* in the local housing supply that meet long term housing needs by offering incentives that facilitate this type of accessible design.

§145.4002 When Voluntary Accessibility Program Applies

- (a) The following proposed residential *development* is eligible for the Voluntary Accessibility Program:
- (1) *Development* that is exempt from the accessibility requirements of the California Building Code (Chapter 11A),
 - (2) *Development* where only a portion of the residential *development* is subject to the accessibility requirements of the California Building Code (Chapter 11A), or
 - (3) *Development* where the required accessibility is in accordance with the California Building Code (Chapter 11A) and would be less

accessible than would be achieved through the Voluntary
Accessibility Program.

- (b) *Development* with *dwelling units* that are voluntarily designed to be accessible may be granted incentives in accordance with Section 145.4003.
- (c) *Development* receiving deviations for reasonable accommodations in accordance with Section 131.0466 are not eligible for the Voluntary Accessibility Program.

§145.4003 Voluntary Accessibility Program Regulations and Development Incentives

- (a) Incentives granted solely under the Voluntary Accessibility Program in accordance with Section 145.4003(c) and (d) shall not require a deviation from the underlying base zone.
- (b) The decision process for a *development* requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the *development* proposal.
- (c) The incentives available to a *development* shall be determined by the number and type of *dwelling units* that would be voluntarily designed for accessibility.
 - (1) Each *dwelling unit* voluntarily designed in accordance with Section 145.4004 (Tier I-Accessible Dwelling Unit) shall be eligible for the following incentives:
 - (A) A *floor area ratio* bonus up to a maximum of 5 percent,
and

- (B) A choice of one development incentive listed in
Section 145.4003(d).
- (2) Each *dwelling unit* voluntarily designed in accordance with
Section 145.4005 (Tier II-Visitable Unit) shall be eligible for one
of the following incentives:
 - (A) A *floor area ratio* bonus up to a maximum of 5 percent, or
 - (B) A choice of one development incentive listed in
Section 145.4003(d).
- (3) *Development* with at least 50 percent of the eligible *dwelling units*
voluntarily designed in accordance with either Section 145.4004
(Tier I-Accessible Dwelling Unit) or Section 145.4005 (Tier II-
Visitable Unit) shall be eligible for the following incentives:
 - (A) Incentives for each Tier I-Accessible Dwelling Unit in
accordance with Section 145.4003(c)(1),
 - (B) An incentive for each Tier II-Visitable Unit in accordance
with Section 145.4003(c)(2), and
 - (C) Expedite processing consistent with Council Policy.
- (4) *Development* with 100 percent of the eligible *dwelling units*
voluntarily designed in accordance with Section 145.4004 (Tier I-
Accessible Dwelling Unit) shall be eligible for:
 - (A) Incentives for each Tier I-Accessible Dwelling Unit in
accordance with Section 145.4003(c)(1),
 - (B) Expedite processing consistent with Council Policy, and

- (C) A *density* bonus up to 5 percent based on the pre-bonus number of *dwelling units* in the project voluntarily designed in accordance with Section 145.4004 (Tier I-Accessible Dwelling Unit).
- (D) *Development* providing a minimum of 10 Tier I-Accessible Dwelling Units shall be eligible for a choice of 1 additional incentive listed in Section 145.4003(d).

(d) Incentives

An *applicant* for *development* eligible for one or more incentives pursuant to Section 145.4003, may select from the following incentives:

- (1) An *applicant* may request one of the following modifications of the applicable parking regulations in Section 142.0560 for Tier I-Accessible Dwelling Units.
 - (A) A reduction of the drive aisle width to a minimum of 22 feet if using standard parking space dimensions,
 - (B) A reduction of the required motorcycle facilities up to 50 percent,
 - (C) A reduction of the driveway width consistent with the minimum dimensions specified in Table 142-05M,
 - (D) Encroachment of required *off-street parking spaces* into the required *setback* area of a private driveway (where parking spaces would not conflict with a required visibility area), or

- (E) Calculation of tandem parking spaces (designed in accordance with Section 142.0560) as two spaces to meet the applicable parking requirement.
- (2) The applicable *setback* regulations may be reduced up to 10 percent for proposed structures where necessary to fulfill the accessible design requirements.
- (3) The applicable *lot coverage* regulations may be exceeded up to 10 percent where necessary to fulfill the accessible design requirements.
- (4) The applicable maximum *structure height* regulations may be exceeded by up to 10 percent to accommodate an elevator or special access (wheelchair) lift system. The maximum *structure height* may not exceed height limits required within the Coastal Height Limit Overlay Zone or conflict with Federal Aviation Regulations Part 77 airspace protection surfaces within designated airport influence areas.
- (5) The applicable landscape requirements may be modified or reduced to the minimum extent necessary to accommodate an accessible route of travel.
- (e) The *floor area ratio* bonus and incentives applicable to a *development* in accordance with Section 145.4003(c) are limited to *dwelling units* that are voluntarily designed in accordance with the Voluntary Accessibility Program and may not be redistributed across the *development* as a whole.

§145.4004 Tier I-Accessible Dwelling Unit Design Standards

- (a) In order to meet the Tier I-Accessible Dwelling Unit Design Standards, *dwelling units* shall comply with the California Building Code requirements for accessibility (Chapter 11A), except as otherwise indicated in Section 145.4004(b), (c), and (d).
- (b) For the purpose of this section, *dwelling units* developed with multiple *stories* shall provide a *kitchen* on the primary entry level in accordance with the California Building Code requirements for accessibility (Chapter 11A) in addition to other accessible design requirements required in accordance with Section 145.4004(a).
- (c) Accessible entrances designed for Tier I-Accessible Dwelling Units shall be permitted up to a maximum of three quarters of an inch in height differential between the exterior and interior landings.
 - (1) The change in elevation shall be beveled with a slope no greater than 50 percent (1 unit vertical in 2 units horizontal).
 - (2) The threshold shall be no higher than 0.5 inches (12.7 mm).
- (d) Required accessible *off-street parking spaces*
 - (1) *Single dwelling units* and duplexes
 - (A) *Single dwelling units* shall provide *off-street parking spaces* per *dwelling unit* in accordance with Sections 142.0520 and 142.0560.

- (B) Duplexes shall provide *off-street parking spaces* per *dwelling unit* in accordance with Sections 142.0525 and 142.0560.
- (C) In addition to the required parking in Section 145.4004(d)(1)(A) or (B), an accessible off-street loading and unloading area shall be provided.
 - (i) The minimum dimensions shall be 14 feet in width by 18 feet in depth with a maximum slope of one quarter inch per foot in any direction,
 - (ii) The off-street loading area may be located within the private driveway and may encroach into the required *setback* area, and
 - (iii) The loading area shall be connected to the *dwelling unit* via an accessible route of travel to an accessible entrance.
- (2) *Multiple dwelling unit development* with three or more *dwelling units* shall provide *off-street parking spaces* in accordance with Sections 142.0525 and 142.0560 including required accessible *off-street parking spaces* in accordance with California Building Code Section 1109A as may be amended.

§145.4005 Tier II-Visitable Unit Design Standards

- (a) The Tier II-Visitable Unit Design Standards are intended to create *dwelling units* that facilitate access to, and access within, the primary entry

level of a *dwelling unit* for persons with temporary, developing, or permanent disabilities. The primary entry level of a Tier II-Visitable Unit shall include accessible routes of travel, an accessible entrance, and accessible common use spaces including a *kitchen*, a bathroom or half bathroom, and at least one common use room.

- (b) At least one exterior accessible route of travel shall connect an accessible entrance to either the sidewalk or driveway.
 - (1) A minimum width shall be provided in compliance with California Building Code Section 1113A.1.1 as may be amended.
 - (2) A maximum slope less than 1 unit vertical and 12 units horizontal shall be provided with a maximum 2 percent cross slope.
 - (3) A level landing area of 5 feet in length shall be provided for every 30 inches of rise in circumstances where the accessible route of travel would have a slope exceeding 5 percent.
 - (4) Handrails are not required.
- (c) At least one accessible entrance to the primary entry level shall be provided that does not exceed three quarters of an inch in height differential between the exterior and interior landings.
 - (1) The change in elevation shall be beveled with a slope no greater than 50 percent (1 unit vertical in 2 units horizontal).
 - (2) The threshold shall be no higher than 0.5 inches (12.7 mm).

- (d) In lieu of the requirements of Section 145.4005(c), the entrance for up to 50 percent of the eligible *dwelling units* may be designed to be adaptable for accessibility.
 - (1) A maximum of 4 inches in step height shall be provided between the exterior and interior landings.
 - (2) A minimum clear space of 12 inches in length for every 1 inch in step height shall be provided on the exterior side of the door to accommodate a future ramp.
 - (3) The ramp clear space shall not overlap the exterior landing.
 - (4) Interior and exterior landings shall provide a minimum length of 48 inches to the accessible route of travel.
 - (5) The entry door shall provide a minimum net clear opening width of 32 inches.
- (e) At least one interior accessible route of travel shall be provided in compliance with California Building Code Section 1120.A.1 as may be amended. The interior route of travel shall connect an accessible entrance to the following rooms located on the primary entry level:
 - (1) At least one bathroom or half bathroom,
 - (2) The *kitchen*, and
 - (3) Any common use rooms such as a living room or family room.
- (f) A *kitchen* shall be provided on the primary entry level.
 - (1) The *kitchen* shall be accessible from the interior accessible route of travel.

- (2) A clear floor space at least 30 inches by 48 inches shall be provided to allow a parallel approach by a person in a wheelchair at a range or cook top, the *kitchen* sink, oven, dishwasher, and refrigerator/freezer.
- (3) In lieu of the requirements of Section 145.4005, a *kitchen* with a pass through design may provide a 39 inch wide or greater accessible route of travel to a range or cook top, *kitchen* sink, oven, dishwasher and refrigerator/freezer.
- (4) *Kitchen* sink faucet controls shall use lever hardware or other similar hardware.
- (5) A minimum linear length of 30 inches of countertop space shall be provided adjacent to the *kitchen* sink.
- (g) At least one accessible bathroom or half bathroom, located along the interior accessible route of travel on the primary entry level, shall be provided.
 - (1) The bathroom entrance shall provide sufficient maneuvering space in accordance with California Building Code Sections 1132A.5 and 1134A.4 as may be amended.
 - (2) Structural reinforcements for future grab bar installation shall be provided in the walls adjacent to showers and bathtubs, and in the walls or floor adjacent to toilets, in accordance with California Building Code Chapter 11A.

- (3) A minimum clear space of 30 inches by 48 inches shall be provided for parallel approach at the lavatory. Maneuvering spaces may include any knee-space or toe-space available below bathroom fixtures.
- (4) A minimum clear space of 30 inches by 48 inches shall be provided for forward approach at the toilet.
- (5) When provided, a minimum clear space of 30 inches by 48 inches shall be provided for parallel approach at the shower or bathtub.
- (6) Faucet controls shall use lever hardware.
- (7) Clear spaces at the sink, toilet and shower or bathtub may overlap or coincide to meet the minimum requirements.
- (h) The accessible primary entry level shall include at least one common use room such as a living room or family room.
- (i) Accessible rooms located along the interior accessible route of travel and the accessible entrance to the primary entry level shall comply with the following requirements:
 - (1) Doors
 - (A) Doors shall have a minimum net clear opening width of 32 inches.
 - (B) Lever hardware, or other similar hardware, centered between 30 inches and 44 inches above the floor is required for all doors, except for pocket doors or sliding doors.

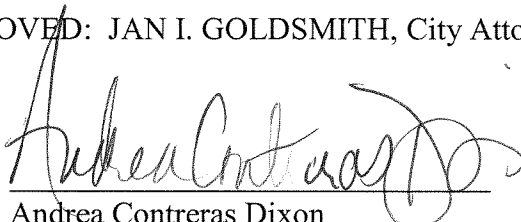
- (C) Maximum effort to operate doors shall not exceed 8.5 pounds (38 N) for exterior doors and 5 pounds (22 N) for interior doors where applied at right angles to hinged doors, and at the center plane of sliding or folding doors. Compensating devices or automatic door operators may be utilized to meet these standards.
 - (D) Pocket doors and sliding doors providing access to rooms required along the interior accessible route of travel shall be easily operated by persons with limited dexterity.
- (2) Electrical Outlets and Fixtures
- (A) Electrical switches and outlets shall be located no more than 48 inches measured from the top of the outlet box nor less than 15 inches measured from the bottom of the outlet box to the level of the finished floor.
 - (B) Electrical outlets providing power to appliances such as ovens, refrigerators, microwave ovens, dishwashers, washing machines, dryers and other similar fixed appliances are exempt.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
04/01/10
04/27/10 REV.
04/27/10 COR.COPY
Or.Dept:DSD
O-2010-91
MMS#10958

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 11 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5.18.10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

Passed by the Council of The City of San Diego on _____, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage _____.

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By _____, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

_____, and on _____.

I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.

I FURTHER CERIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By _____, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O-_____